IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 5063 of 2007(C)

PETITIONER:
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1. M.V.SEBASTIAN, AGED 43 YEARS, S/O.LATE THOMAS VARGHESE, MUTHIRAPARMBIL, VAZHAPPALLY WEST P.O. CHANGANASSERY, KOTTAYAM DISTRICT, NOW RESIDING AT MUTHIRAPARAMBIL (H) (RAVI BHAVAN), ATTUVAKKARI, CHETHIPUZHA, VEROOR P.O., CHANGANASSERY, KOTTAYAM DISTRICT.

2. TESSY SEBASTIAN, AGED 38 YEARS, W/O.M.V.SEBASTIAN MUTHIRAPARMBIL, VAZHAPPALLY WEST P.O. CHANGANASSERY, KOTTAYAM DISTRICT, NOW RESIDING AT MUTHIRAPARAMBIL (H) (RAVI BHAVAN), ATTUVAKKARI, CHETHIPUZHA, VEROOR P.O., CHANGANASSERY, KOTTAYAM DISTRICT.

BY ADV. SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIEITIES, CHANGANACHERRY.

3. THE SPECIAL SALES OFFICER, KANGAZHA SERVICE CO-OPERATIVE BANK GROUP, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, CHANGANACHERRY.

4. VAZHAPPALLY SERVICE CO-OPERATIVE BANK LTD.NO.K 108, VAZHAPPALLY WEST P.O., CHANGANACHERRY, REPRESENTED BY ITS SECRETARY.

R1 TO R3 BY GOVT. PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.5063 OF 2007

Dated this the 14th day of February, 2007

JUDGMENT

This writ petition is filed seeking direction to the State Government to constitute a Commission in terms of Section 3 of the Kerala Agricultural Debt Relief Commission Act, 2006 (Act 1 of 2007), which came into force with immediate effect of its publication in the Kerala Gazette on 18.1.2007. According to the petitioners, they aspire for the benefits of this Statute and the Commission can render them such benefit. Section 3 of the Act provides that the Government shall, as early as possible after the notification of the Act, constitute the Kerala State Agricultural Debt Relief Commission in terms of Section 3 of that Act. Today, on 14.2.2007, it is too early for any court to assume that the Government would not carry out its statutory responsibilities in terms of Section 3 of the Act. It cannot also be assumed that the Government have not commenced the necessary action for the constitution of the said Commission. Under such circumstances,

I am not inclined to entertain this writ petition. The same is accordingly closed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.